

APR 25 2005

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To:	FACSIMILE:	TELEPHONE:
<b>U.S. Patent and Trademark Office MS Amendment</b>	<b>(703) 872-9306</b>	

FROM: Karen R. Zachow, Ph.D. - Reg. No. 46,332 DATE: April 25, 2005

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**Comments:**

ATTORNEY DOCKET: 322732000401  
GROUP ART UNIT: 1648  
EXAMINER: B. Li  
SERIAL NO.: 10/028,172  
FILING DATE: December 21, 2001  
INVENTOR(S): Yoichi TAKAHAMA et al.  
TITLE: DIAGNOSTIC REAGENT FOR HEPATITIS C VIRUS  
INFECTION

## Papers attached:

1. Transmittal (1 page)
2. Response to Restriction Requirement (2 pages)

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SD-256749

PTO/SB/21 (08-04)

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# TRANSMITTAL FORM

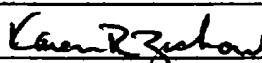
(to be used for all correspondence after initial filing)

<b>TRANSMITTAL FORM</b> <small>(to be used for all correspondence after initial filing)</small>		Application Number	10/028,172
		Filing Date	December 21, 2001
		First Named Inventor	Yoichi TAKAHAMA
		Art Unit	1648
		Examiner Name	B. Li
Total Number of Pages in This Submission	4	Attorney Docket Number	322732000401

**ENCLOSURES (Check all that apply)**

<input type="checkbox"/> Fee Transmitted Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply (2 pages)	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
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<input type="checkbox"/> Reply to Missing Parts/Incomplete Application		
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Firm Name	MORRISON & FOERSTER LLP		
Signature			
Printed name	Karen R. Zachow, Ph.D.		
Date	April 25, 2005	Reg. No.	46,332

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Dated: April 25, 2005

Signature: Docket No.: 322732000401  
(PATENT)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Yoichi TAKAHAMA et al.

Application No.: 10/028,172

Group Art Unit: 1648

Filed: December 21, 2001

Examiner: B. Li

For: **DIAGNOSTIC REAGENT FOR HEPATITIS C  
VIRUS INFECTION**

**RESPONSE TO RESTRICTION REQUIREMENT**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the restriction requirement set forth in the Office Action mailed March 23, 2005 in the above-identified application. The deadline for response is April 25, 2005 (April 23rd being a Saturday). Accordingly, this response is timely filed.

Claims 31-43, 51, and 55-57 are pending in this application. Restriction has been required as between the following allegedly distinct groups of inventions: Group I (claims 32-35); Group II (claims 37-38(i)); Group III (claims 37-38(ii)); Group IV (claims 37-38(iii)); and Group V (claim 39). Claims 36 and 40-43 are designated as linking inventions of Groups II-III and IV-V.

Applicants hereby elect Group I, with traverse. Applicants note that claims all involve combinations of HCV antigens and thus, the claims do not present an undue search burden. Also,

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Application No.: 10/028,172

Docket No.: 322732000401

the restriction requirement appears to omit pending claims 31, 51, 55, 56, and 57. Applicants respectfully submit that claims 31, 51, and 56 should be included in elected Group I.

Applicants expressly reserve their right under 35 U.S.C. § 121 to file a divisional application directed to the nonelected subject matter during the pendency of this application, or an application claiming priority from this application.

Applicants request reconsideration of the restriction requirement and examination of the elected subject matter on the merits.

In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 93-1952 referencing 322732000401. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: April 25, 2005

Respectfully submitted,

By Karen R. Zachow  
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